



HR0535

LRB103 36209 LAW 66302 r

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HOUSE RESOLUTION

2           WHEREAS, The recent congressional investigation that  
3           unearthed a pattern of behavior by law enforcement agencies  
4           seeking access to patient prescription records through  
5           pharmacies without a warrant is alarming; and

6           WHEREAS, Of the eight major pharmacy chains surveyed by  
7           Congress, only Amazon Pharmacy stated it had a policy of  
8           informing customers when law enforcement requested the  
9           customer's records; and

10           WHEREAS, Three of the eight pharmacy chains reported staff  
11           facing extreme pressure from law enforcement to provide an  
12           immediate response; and

13           WHEREAS, The people of these United States, and of the  
14           great State of Illinois, enjoy a broad array of privacy  
15           rights; and

16           WHEREAS, Prescription records are among the most private  
17           pieces of information the government can obtain about an  
18           individual; and

19           WHEREAS, The people of the U.S. are protected from  
20           warrantless search and seizure by the 4th Amendment of the

1 Constitution of the United States; and

2 WHEREAS, Pharmacies can and should insist on a warrant and  
3 can and should invite law enforcement agencies that insist on  
4 demanding patient medical records with solely a subpoena to go  
5 to court to enforce that demand; and

6 WHEREAS, Due to the state of the third-party doctrine in  
7 the federal courts, it is necessary for the Congress of the  
8 United States to pass further positive legislation to  
9 reinforce Americans' reasonable expectations of privacy in  
10 medical data, regardless of where this data is held or by whom  
11 it is owned; and

12 WHEREAS, With the foregoing in mind, Senator Wyden and  
13 Congresswomen Jayapal and Jacobs concluded that the federal  
14 Department of Health and Human Services (HHS) must consider  
15 further strengthening its HIPAA regulations to more closely  
16 align them with Americans' reasonable expectations of privacy  
17 and constitutional principles; therefore, be it

18 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
19 HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
20 we urge pharmacies in the State of Illinois to insist on a  
21 warrant or court order prior to releasing patient information  
22 to protect Americans' reasonable expectations of privacy and

1 constitutional principles; and be it further

2       RESOLVED, That we urge the Congress of the United States  
3 to pass further positive legislation to reinforce Americans'  
4 reasonable expectations of privacy in medical data and to  
5 protect Americans' reasonable expectations of privacy and  
6 constitutional principles; and be it further

7       RESOLVED, That we urge the federal Department of Health  
8 and Human Services (HHS) to consider further strengthening its  
9 HIPAA regulations to more closely align them with Americans'  
10 reasonable expectations of privacy and constitutional  
11 principles; and be it further

12       RESOLVED, That a suitable copy of this resolution be  
13 presented to the Speaker of the House of Representatives of  
14 the United States, Mike Johnson, the President Pro Tempore of  
15 the United States Senate, Patty Murray, the Secretary of  
16 Health and Human Services, Xavier Becerra, and the Illinois  
17 Pharmacists Association.